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**NOTICE OF APPEAL FROM THE EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number  
1391/1561

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" (37 CFR 1.8(a)).  
On February 3, 2006

Signature /Steven P. Shurtz/

Typed or printed

Name Steven P. Shurtz

In re Application of **Robert J. Yotka et al.**

Application Number

**10/712,114**

Filed **November 13, 2003**

For **METHOD OF CONTROLLING RELEASE OF  
N-SUBSTITUTED DERIVATIVES OF ASPARTAME IN  
CHEWING GUM AND GUM PRODUCED THEREBY**

Art Unit

**1761**

Examiner

**Arthur L. Corbin**

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 500.00

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is  
Reduced by half, and the resulting fee is :

\$           

☐ A check in the amount of the fee is enclosed.

☒ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.  
I have enclosed a duplicate copy of this sheet.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment  
to Deposit Account No. 23-1925. I have enclosed a duplicate copy of this sheet.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

**WARNING: Information on this form may become public. Credit card information should not  
be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

☐ applicant/inventor.

/Steven P. Shurtz/

Signature

☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is  
enclosed. (Form PTO/SB/96)

Steven P. Shurtz

Typed or Printed Name

☒ attorney or agent of record.  
Registration number 31,424

☐ attorney or agent acting under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34.           

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February 3, 2006

Date

☒ \*Total of one (1) form is submitted.